



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 15, 2016
FROM: CITY ATTORNEY WARDS: ALL
SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT

ISSUE:

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of 7/1/2016 through 9/30/16 as provided in the outside counsel policy approved by City Council on June 16, 2015.

RECOMMENDATIONS:

That the City Council receives and files the attached report.

BACKGROUND:

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's accounts payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

FISCAL IMPACT:

There is no fiscal impact at this time.

Prepared by: Gary G. Geuss
City Attorney

Attachments:

1. Outside Counsel Expenditure Summary Report
2. Outside Counsel Expenditure Report through September 30, 2016

Outside Counsel Expenditure Report Summary

Funding Source	Adopted Budget FY 16/17	Authorized Fees Since Case Inception FY 16/17	Official Audited Data				Unaudited	Projected	Invoices Received by CAO	
			FY13	FY14	FY15	FY16	FY17	FY17	Q1 FY17	YTD FY17
101 General Fund	575,035	228,486	89,004	56,201	39,664	186,654	11,346	575,035	12,207	12,207
22X Community Development	25,022	37,388	5,000	-	-	2,733	237	25,022	-	-
510 Electric Fund	1,557,284	1,506,490	441,695	961,873	605,541	776,173	33,605	1,557,284	120,857	120,857
520 Water Fund	258,398	55,400	251,704	169,559	176,428	205,396	38,049	258,398	16,677	16,677
550 Sewer Fund	350,000	3,076,487	255,775	243,633	449,503	1,739,204	104,228	416,912	351,843	351,843
610 W/C Fund	444,000	827,090	350,585	412,215	330,662	341,501	70,256	444,000	-	-
630 Liability Trust Fund	1,573,848	3,046,788	3,072,984	2,279,581	1,858,733	1,179,104	224,093	1,100,000	270,167	270,167
RDA	50,000	-	104,984	2,630	14,045	-	-	50,000	-	-
Grand Total	\$ 4,833,587	\$ 8,778,129	\$ 4,571,731	\$ 4,125,692	\$ 3,474,576	\$ 4,430,765	\$ 481,814	\$ 4,426,651	\$ 771,751	\$ 771,751

**OUTSIDE COUNSEL EXPENDITURE REPORT
THROUGH SEPTEMBER 30, 2016**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	7/1/16 - 9/30/16	TOTAL AS OF 9/30/16	
BAKER HOSTETLER							
	Cyber Security Breach	Prevention/Advice	510	20,000	2,375	17,625	17,625
BEST BEST KRIEGER							
	<i>City HA v DOF</i>	*Note - HA allowance, costs split with several cities	280	37,388	-	28,482	8,906
	<i>City v Clayton</i>	Eminent domain litigation/Riverside grade separation	401	53,847	-	51,383	2,464
	<i>City v Jurupa Valley</i>	(Vernola Apts) CEQA litigation	510	155,842	5,139	109,985	45,857
	<i>General Advice</i>	Miscellaneous	101	25,000	783	13,653	11,347
	<i>General Advice</i>	RPU	101	13,000	-	5,918	7,082
	<i>RTRP/CPUC</i>	Advice	510	16,455	1,639	1,845	14,610
	<i>SCE v. Mitsubishi Nuclear Energy Systems</i>	San Onofre decommissioning (SONGS)	510	721,693	24,297	638,046	83,647
Subtotal					34,233	866,937	191,538
CONSTANTINE CANNON							
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency		-	-	-	-
Subtotal							

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COLANTUONO HIGHSMITH & WHATLEY							
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400	15,957	36,704	3,696
	<i>General Advice</i>	CAO	101	15,000	-	6,899	8,101
	<i>General/RPU</i>	City land transactions	510	5,000	-	6,208	(1,208)
	<i>General/RPU</i>	Electric & Water Cost Service Study	520	10,000	-	-	10,000
	<i>Trask v City</i>	Ballot initiative/appeal	101	99,000	3,689	81,684	17,316
	<i>Olquin v City</i>	Litigation re GFT	630	95,000	22,294	55,105	39,895
Subtotal					41,940	186,600	77,800
GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT							
	<i>Wasden, David</i>	Construction project dispute	520	5,000	720	1,626	3,374
	<i>General advice</i>	Prequalification re PW Bid Docs	510	7,500	4,500	7,500	0
Subtotal					5220	9126	3374
GREINES MARTIN STEIN & RICHLAND							
	<i>Dunbar, Ulrike v City**</i>	Wrongful death	630	183,775	75,463	117,931	65,844
	<i>Easley, Michael v. City**</i>	Federal civil rights action	630	112,695	10,291	40,370	72,325
	<i>Jean-Louis, Jean v City</i>	Federal civil rights action	630	46,180	7,451	8,631	37,549
	<i>Nichols, Raymond v City</i>	Federal civil rights action	630	66,962	7,259	32,462	34,500
Subtotal					100,464	199,394	210,218

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LIEBOLD McCLENDON & MANN							
	<i>Habitat for Humanity</i>	3753 Myers Street	101	16,000	-	10,530	5,470
Subtotal						10,350	5,470
LEWIS BRISBOIS BISGAARD & SMITH							
	<i>Buckley, John v City</i>	Dangerous condition	630	209,515	22,614	94,655	114,860
	<i>Dunbar, Ulrike v City**</i>	Civil rights litigation	630	247,750	49,951	180,883	66,867
	<i>Easley, Michael v City**</i>	Civil rights litigation	630	341,500	28,552	280,768	60,732
	<i>Hagedon v City (Nunez)</i>	Employment litigation	630	142,785	413	15,738	127,047
Subtotal					101,530	572,044	369,506
LIEBERT CASSIDY WHITMORE							
	<i>Bonome, Jr., Camilo**</i>	Petition re CCW denial	630	63,775	1,188	43,710	20,065
	<i>Medicare Tax</i>	Opinion letter	101	7,000	7,167	7,167	(167)
Subtotal					8,355	50,877	20,232
MANNING & KASS							
	<i>Wells Fargo v. City - 1 and 2</i>	Civil penalties on Tax Rolls Validity	630	26,577	-	6,101	20,476
	<i>Wells Fargo v City</i>	Civil penalties on Tax Rolls Validity	630	<i>Pending</i>	-		
Subtotal						6,101	20,476

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MILLER AXLINE & SAWYER							
	<i>City v Black & Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*					
ORROCK POPKA FORTINO TUCKER & DOLEN							
	<i>Masgula, John v City (C/W Robinson and Knight matters)</i>	Dangerous condition litigation filed in 2009	630	436,584	-	355,056	81,528
Subtotal						355,056	81,528
SABINE & MORRISON							
	<i>General matters</i>	Sign code issues/advice	101	31,500	-	27,312	4,188
Subtotal					-	27,312	4,188
SILVER AND WRIGHT							
	<i>Dank Bank/Univer.Collective</i>	6024 Tyler Street	101	10,993	197	1,543	9,450
	<i>Emerald City/THC</i>	9000 Arlington Avenue	101	10,993	371	371	10,622
Subtotal					568	1,914	20,072
SMITH LAW OFFICES							
	<i>Jean Louis, Jean v. City</i>	Civil rights litigation	630	91,466	12,539	77,473	13,993
	<i>Lacson v City</i>	Labor/Employment Litigation	630	158,832	1,272	1,272	157,560
	<i>Luong, Jason v City</i>	Civil rights litigation (Federal)	630	114,510	21,526	50,888	63,622
	<i>Luong, Jason v City</i>	Civil rights litigation (State)	630	84,376	-	12,931	71,445
	<i>Nichols, Raymond v City</i>	Civil rights litigation (Federal)	630	81,956	-	37,771	44,185
	<i>Nichols, Raymond v City</i>	Civil rights litigation (State)	630	70,550	-	9,389	61,161
	<i>Nguyen v City</i>	Employment litigation	630	122,000	7,313	14,687	107,313
	<i>Roberts v City</i>	Employment litigation	630	180,000	1,534	7,181	172,819
Subtotal					44,184	211,592	692,098

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Think Legal360							
	<i>Bobby Harris v City</i>	Employment Litigation	630	270,000	507	507	269,493
Subtotal					507	507	269,493
THOMPSON COBURN							
	<i>FERC**</i>	Regulatory	510	575,000	81,349	81,349	493,651
	<i>LADWP Transmission Agreements</i>	Potential Extension	510	25,000	1,558	13,041	11,959
Subtotal					82,907	94,390	505,610
CHAPMAN AND CUTLER							
	<i>Bond Counsel*</i>						
Subtotal							
COTCHETT PITRE & McCARTHY							
	<i>Bond Derivative Litigation</i>	Contingency*					
Subtotal							
HAWKINS DELAFIELD & WOOD							
	<i>Bond Counsel*</i>						
Subtotal							
JONES HALL							
	<i>Bond Counsel</i>	SIFMA		40,000	-	-	40,000
Subtotal							40,000

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STRADLING YOCCA CARLSON & RAUTH							
	<i>Bond Counsel*</i>						
Subtotal							
TOTAL					419,908	2,592,200	
LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	Funding Source	Authorized Spending Limit	7/1/16 - 9/30/16	TOTAL AS OF 9/30/16	BALANCE
<i>Note: Plaintiff's Case - Outside Counsel Retained for Recovery</i>							
BURKE WILLIAMS SORENSEN							
	<i>City v. Jurupa/Rubidoux CSD, et al. **</i>	Recovering contribution obligation for RWQCP project	550	3,076,487	351,843	2,151,740	924,747
Subtotal					351,843	2,151,740	924,747

Please note:

(1) Some totals may include costs

(2) Items shaded in blue are closed

(3) *Contingency bond counsel payments are per individual bond transactions or recovery received

** Change order issued; amount increased